

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**  
Roanoke Division

<b>MOUNTAIN VALLEY PIPELINE, LLC,</b>	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	<b>Case No. 7:19-CV-00147-EKD</b>
	)	
<b>1.85 ACRES OF LAND, OWNED BY</b>	)	
<b>JACQUELINE J. LUCKI, et al.</b>	)	
	)	
<i>Defendant.</i>	)	

**DEFENDANT’S MOTION FOR RESOLUTION OF ATTORNEY FEE LIEN**

Defendant, Jacqueline Lucki, by counsel, moves this Court to resolve a claim for attorney’s fees by their prior counsel:

1. In 2018, Lollar Law represented the Defendants and other property owners as a class in an effort to defeat immediate possession of the MVP project in an able and earnest way.
2. On February 8, 2019, the Court entered a scheduling order for this case. Dkt. 1.
3. On March 8, 2019, Mr. Lollar moved to withdraw as counsel. Dkt. 3.
4. On March 25, 2019, Joseph Sherman noticed an appearance. Dkt. 6.
5. On April 1, 2019, the Court granted Lollar’s motion to withdraw. Dkt. 7.
6. On April 22, 2019, Mr. Sherman answered discovery propounded by MVP.
7. On August 13, 2019, Mr. Sherman draft a motion for a protective order. Dkt. 8.
8. On October 28, 2019, Mr. Sherman provided initial expert disclosures to MVP.
9. On December 11, 2019, Mr. Sherman defended the deposition of Ms. Lucki’s appraiser.
10. On December 16, 2019, Mr. Sherman took depositions of MVP witnesses.

11. On January 1, 2020, Mr. Sherman filed a motion for summary judgment and to exclude MVP's appraiser. Dkt. 13.

12. On January 16, 2020, Mr. Sherman filed a memorandum responsive to MVP's motion for partial summary judgment and motion to exclude Ms. Lucki's witnesses. Dkt. 18.

13. MVP and Ms. Lucki maintain substantive settlement communications.

14. Uncertainty related to Lollar Law's lien impedes settlement negotiations.

The Defendant moves the Court to resolve the lien of prior counsel in favor of a proper *quantum meruit* claim for time and materials spent by Lollar Law as an advocate so as to resolve uncertainty and allow Ms. Lucki to understand all terms related to settlement offers.

January 17, 2020

**JACQUELINE LUCKI**

/s/ Joseph V. Sherman

Joseph V. Sherman (VSB No. 86099)

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**CERTIFICATE OF SERVICE**

I certify that on Friday, January 17, 2020, I electronically filed a true copy of the foregoing DEFENDANT'S MOTION FOR RESOLUTION OF ATTORNEY FEE LIEN with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record including:

Mr. Stephen M. Hodges (VSB No. 1220)  
Mr. Wade W. Massey (VSB No. 16616)  
Mr. Mark E. Frye (VSB No. 32258)  
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/s/ Joseph V. Sherman\_\_\_\_\_  
Joseph V. Sherman (VSB No. 86099)